

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED

APR 17 2008

JOHN F. CORCORAN, CLERK  
BY: *H. McDonald*  
DEPUTY CLERK

United States of America

v.

Ryan O'Neal Preston

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)

Case No: 4:07CR00007-001

USM No: 13044-084

Date of Previous Judgment: November 28, 2007

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

III. ADDITIONAL COMMENTS

Defendant is ineligible for a reduction in sentence for two reasons. First, Defendant was sentenced after the effective date of Amendment 706, and he received any benefit that would have come to him under the amended guidelines. Second, Defendant's custody range was produced by the career offender guideline, which was unaffected by the amendment.

Except as provided above, all provisions of the judgment dated 11/28/2007 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4-17-08

*Jackson Kiser*  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Jackson Kiser, Senior United States District Judge  
Printed name and title